

**YADKIN COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MINUTES**  
**Monday, December 21, 2009**

The Yadkin County Board of Commissioners met in Regular Session on Monday, December 21, 2009, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, North Carolina.

**Present were:**

Chairman Chad Wagoner  
Vice Chairman Kevin Austin  
Commissioner Tommy Garner  
Commissioner David Moxley  
Commissioner Brady Wooten

**Staff present:** County Attorney, James Graham; Clerk to the Board, Gina Brown; and Interim County Manager, Jim Haynes.

**CALL TO ORDER** by Chairman Wagoner at 7:00pm.

**INVOCATION** led by James Graham.

**PLEDGE OF ALLEGIANCE** led by Chairman Wagoner. Pledge of Allegiance by a Yadkin County school student during the evening meeting will resume in January 2010.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

Clerk Brown requested the following adjustments:

- 1) Section IV – postpone participation of a Starmount Middle School student for the Pledge of Allegiance
- 2) Section VII – add December 2, 2009 Recessed Meeting Minutes and December 2, 2009 Closed Session Minutes
- 3) Section VIII, #1 – Postpone the public hearing for zoning map amendment, parcel #4876954211
- 4) Section VIII, #4 – Corrected version of the Statement of Zoning Consistency

**Commissioner Garner made a motion to approve the agenda with the noted adjustments. Commissioner Moxley second.**

**Vote: 5/0**

## **PUBLIC COMMENTS**

Public Comments portion of the meeting opened at 7:03pm.

Veta Hemric of Hamptonville appeared before the Board. Ms. Hemric provided the Board with several documents. Ms. Hemric addressed County tax dollars and the way they are spent. Ms. Hemric stated that issues have been ongoing since an original loan on May 14, 1990. Ms. Hemric reported that her mother lost her home illegally as a result of being caught in the crossfire of the divorce between Ms. Hemric and her husband. Wachovia Bank was charged with embezzlement of \$180,000 but was improperly investigated by a less than truthful FBI agent. Further, Ms. Hemric stated that the Yadkin County Sheriff and deputies are biased and use selected enforcement. Ms. Hemric stated that this issue involves 19 states and 11 banks over a 19 ½ year time span. Ms. Hemric stated that \$1,305,950 has been paid to the Sheriff's Office which has been used to intimidate elderly citizens like her mother. Ms. Hemric stated that she has been a "one-man sting operation" and is a member of "world-wide whistle blowers." Ms. Hemric feels the County is participating in equity stripping and it must stop.

Alice Singh of East Bend appeared before the Board. Ms. Singh presented a packet of documents regarding abused and neglected animals and presented a poster of a neglected dog. Ms. Singh reported that she called the Sheriff's Office at 4:25pm on Saturday, December 12, 2009 regarding the dog on the poster. Ms. Singh did request a return call on the matter. As of today, December 21, 2009, Ms. Singh has yet to hear from the Sheriff's Office even after 3 calls and 1 visit. Ms. Singh reported that representatives from the Sheriff's Office later told her that the responding officer was part-time and did not know how to complete his reports. On Monday, December 14, 2009, Ms. Singh approached the supposed home of the dog-owner and asked for the dog. Ms. Singh was told that the dog would be taken to the animal shelter. On the following day, December 15, 2009, the dog was brought to the shelter. The family was told that if they surrendered the dog to the shelter, it would be

put down due to its apparent illness. Ms. Singh was then contacted and the dog was released to Ms. Singh. The dog is receiving veterinary care at this time. Ms. Singh commented that she has 3 problems with this scenario: (1) the Sheriff's Office did not return her call; (2) no report was filed; and (3) the animal shelter was not going to make an effort to save the dog, call any type of rescue operation, or charge the family with cruelty or neglect.

Ms. Singh presented 2 other similar cases of abuse and neglect; one regarding an overly thin dog chained to a light pole and the other a set of 6 abandoned puppies.

Ms. Singh commented that an officer of Yadkin County should become familiar with the North Carolina animal protection laws and that the County should establish procedures dealing with the abuse and neglect of animals. Ms. Singh asked the Board to consider the establishment of an animal control advisory board to address these issues.

Diane Doub of East Bend appeared before the Board to further add to the comments of Ms. Singh. Ms. Doub had also seen the dog chained to a light pole on Fall Creek School Road. Ms. Doub reported that the dog was thin and had no water or food. Ms. Doub expressed her amazement at the attitude toward animals in Yadkin County. Ms. Doub also asked that Yadkin County establish a procedure for handling reports of abuse and neglect.

Public Comments portion of the meeting closed at 7:24pm.

### **APPROVAL OF MINUTES**

Chairman Wagoner asked the Board to also consider the minutes of December 2, 2009 Recessed Meeting and the closed session minutes of December 2, 2009 as presented this evening.

Chairman Wagoner requested the following adjustment:

Page 5, 2<sup>nd</sup> line: currently reads "The County has paid a \$257,000 on the..." Clerk Brown will check the recording and make the appropriate correction.

Vice Chairman Austin requested the following adjustments:

- (1) Page 5, 2<sup>nd</sup> line of 2<sup>nd</sup> paragraph: should read "*inaction* of the Board."
- (2) Page 18, comments of Bradley Hardy:

Vice Chairman Austin felt that Mr. Hardy's joke was blasphemous and inappropriate for the minutes. Vice Chairman Austin asked that the current wording be replaced with a condensed statement that Mr. Hardy told a story of a man who drowned.

Chairman Wagoner responded that minutes are an account of what is actually said during the meeting. Problems with the context of the meeting should have been noted at that time. Vice Chairman Austin asked that the record reflect he does not support the inclusion of this noted paragraph in the official minutes.

**Commissioner Wooten made a motion to approve the November 16, 2009 Regular Meeting Minutes; December 2, 2009 Recessed Meeting Minutes; December 2, 2009 Closed Session Minutes; December 7, 2009 Regular Meeting Minutes; December 7, 2009 Closed Session Minutes; and December 16, 2009 Recessed Meeting Minutes with noted adjustments. Commissioner Garner second.**

**Vote: 4/1 (Austin opposed)**

## **PUBLIC HEARING**

- (1) This item had been postponed during the setting of the agenda.
- (2) Cheri Cranfill, Director of Solid Waste, appeared before the Board to address the Solid Waste Household Fee Ordinance Text Amendment. Mrs. Cranfill reported that the text amendment simply ensures uniformity among the mobile home parks, enables County staff to enforce the ordinance, and allows administration to adjust future fees without adopting a new ordinance. The text amendment was approved by the Solid Waste Committee.

The Public Hearing opened at 7:30pm. There were no speakers on this issue.  
The Public Hearing closed at 7:30pm.

**Commissioner Wooten made a motion to approve the Solid Waste Household Fee Ordinance Text Amendment as presented. Commissioner Garner second.**

**Vote: 5/0**

(3) Christopher Ong, Director of Planning and Development, appeared before the Board to address the Subdivision Text Amendment to Article V. Mr. Ong reported that the text amendment represents only a procedural change requiring subdivisions to be reviewed by the Planning Board.

The Public Hearing opened at 7:35pm. There were no speakers on this issue.  
The Public Hearing closed at 7:35pm.

**Commissioner Garner made a motion to approve the text amendment to Article V of the Subdivision Ordinance as presented. Commissioner Moxley second.**

**Vote: 5/0**

(4) Mr. Ong presented the zoning map amendment as requested by Stewart Beamer for parcel #5806060276. Rezoning from RL to RG will allow Mr. Beamer to place a Class B Manufactured Home on the lot.

The Public Hearing opened at 7:40pm.

Mr. Stewart Beamer appeared before the Board to discuss his request for rezoning. Mr. Beamer explained that he simply wants to move the existing mobile home about 80 feet to his lot. Mr. Beamer stated that the current location of the trailer had been an eyesore before he cleaned it up. Mr. Beamer feels that his request for rezoning will actually improve the quality of the lot.

The Public Hearing closed at 7:44pm.

Vice Chairman Austin reported that the property for rezoning is 100 to 200 feet from his own property line and he feels that he should be excused from this vote.

**Commissioner Wooten made a motion to excuse Vice Chairman Austin from voting on this issue. Chairman Wagoner second.**

**Vote: 4/0**

Chairman Wagoner read the statement of zoning consistency as follows:

“Proposed rezoning of 1.584 acres, being all of Parcel #5806060276, on Memorial Road in North Liberty Township, from the Residential Limited (RL) District to the Residential General (RG) District.

As we, the Yadkin County Board of Commissioners, have found this property to be located near existing residential zoned properties with established residential uses, and off of a local street (Memorial Road) which runs parallel to a principal arterial road (US Highway 21); and further have found the proposed addition to be supported by the Yadkin County Land Use Plan.

We find the above referenced proposal for rezoning to be consistent with the guidelines for the Residential General District in Article 7, Section 4 of the Yadkin County Zoning Ordinance.

We further find the above referenced proposal for rezoning to be consistent with the guidelines for residential development in section 5.7.7., of the Yadkin County Land Use Plan.

We therefore consider the proposed rezoning to be reasonable and in the public interest.”

**Commissioner Wooten made a motion to approve the Statement of Zoning Consistency as presented. Commissioner Moxley second.**

**Vote: 4/0**

**Commissioner Wooten made a motion to approve the rezoning of Parcel #5806060276 belonging to Stewart Beamer from RL to RG. Commissioner Moxley second.**

**Vote: 4/0**

## **BOARD APPOINTMENTS**

There were no board appointments during today’s meeting.

## **BOARD REPORTS/REQUESTS**

There were no reports under this heading during today's meeting.

## **BOARD ACTION**

### **(1) Budget Amendments**

Interim Manager, Jim Haynes, reported that the budget amendment for DSS reflects the receipt of federal grant money through the stimulus package. Similarly, there is a budget amendment to reflect grant funds for the Single Family Rehabilitation Program.

**YADKIN COUNTY DEPARTMENT OF SOCIAL SERVICES  
BUDGET AMENDMENTS  
December 2009  
REVENUES**

| <b>Line Item</b>           | <b>Account</b> | <b>Budgeted</b> | <b>Increase/<br/>Decrease</b> | <b>Amended</b> |
|----------------------------|----------------|-----------------|-------------------------------|----------------|
| Crisis                     | 1045320 42221  | 58,192          | 21,064                        | 79,256         |
| F & N Serv.<br>Admin. ARRA | 1045320 42268  | -0-             | 28,428                        | 28,428         |
| Daycare-ARRA               | 1045320 42240  | -0-             | 48,100                        | 48,100         |
| Special Adoption<br>Fund   | 1045320 42255  | -0-             | 48,500                        | 48,500         |
| <b>TOTAL</b>               |                | <b>58,192</b>   | <b>146,092</b>                | <b>204,284</b> |

**EXPENDITURES**

| <b>Line Item</b>         | <b>Account</b> | <b>Budgeted</b> | <b>Increase/<br/>Decrease</b> | <b>Amended</b> |
|--------------------------|----------------|-----------------|-------------------------------|----------------|
| Crisis.                  | 1053200 57840  | 58,192          | 21,064                        | 79,256         |
| Daycare-ARRA             | 1055320 57802  | -0-             | 48,100                        | 48,100         |
| Equipment                | 1055300 56010  | 4,850           | 28,428                        | 33,278         |
| Special Adoption<br>Fund | 1053200 57820  | -0-             | 48,500                        | 48,500         |
| <b>TOTAL</b>             |                | <b>63,042</b>   | <b>146,092</b>                | <b>209,134</b> |

**December 10, 2009**

**FROM: Cheri W. Cranfill, Director of Solid Waste**

**SUBJECT: Amendment 2009/2010 Budget**

**Enterprise Fund: Solid Waste**

| Description           | Account Number | Original Budget | Increase/(Decrease) | Amend       |
|-----------------------|----------------|-----------------|---------------------|-------------|
| Equipment Maintenance | 6054710-53020  | \$5000.00       | \$5000.00           | \$10,000.00 |
| Equipment             | 6054710-56010  | \$15,000.00     | (\$5000.00)         | \$10,000.00 |

**Budget amendment is needed for the repairs of the scales and dumpsters. We budgeted to buy new dumpsters but we repaired them.**

**Date: December 7, 2009**

**Capital Projects Fund**

**Dept: Single Family Rehabilitation**

| Description                   | Account Number | Original Budget | Increase/(Decrease) | Amended Budget |
|-------------------------------|----------------|-----------------|---------------------|----------------|
| DUKE HELP Grant               | 4044936-42416  | -0-             | 67,500.00           | 67,500.00      |
| LAPP Grant                    | 4044936-43110  | -0-             | 8,800.00            | 8,800.00       |
| Rehabilitation Activities-SFR | 4054936-51542  | 266,417.00      | 68,950.00           | 335,367.00     |
| Administrative Services-SFR   | 4054936-55654  | 26,641.00       | 7,350.00            | 33,991.00      |

**To amend the budget ordinance for the DUKE Help and LAPP Grants received for the Single Family Rehabilitation Project.**

**Commissioner Wooten made a motion to approve budget amendments for DSS, Solid Waste, and Single Family Rehabilitation as presented.**

**Commissioner Garner second.**

**Vote: 5/0**

**(2) RESOLUTION – Supporting Funding Legislation of Blue Ridge Parkway**

The Board reviewed the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS SUPPORTING FUNDING LEGISLATION FOR THE BLUE RIDGE PARKWAY. Commissioner Wooten asked for additional information on this matter. Commissioner Moxley explained that the resolution is the request of the Cascade Highlands Tourism Initiative to



support legislation that will provide \$75 million over a 5 year period for conservation easements along the Blue Ridge Parkway. The resolution is to be forwarded to Senators Richard Burr and Kay Hagan as a show of support.

**Commissioner Garner made a motion to adopt the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS SUPPORTING FUNDING LEGISLATION FOR THE BLUE RIDGE PARKWAY as presented. Commissioner Moxley second.**

**Vote: 3/2 (Austin and Wooten opposed)**

(3) Agreement with Tax Management Associates

Interim Manager Haynes reported that this action reflects the addition of discovery services to the existing agreement.

**Commissioner Garner made a motion to approve the agreement with Tax Management Associates as presented. Commissioner Moxley second.**

**Vote: 5/0**

(4) Six Mile Fire Insurance Districts

Fire Marshal, Eddie Weatherman and GIS Administrator, Rachel Boone, appeared before the Board to address the new six-mile fire insurance district maps. Mr. Weatherman explained that the maps were updated using GIS technology. The maps are 99% accurate and include private roads and drives. The maps have received a preliminary review by the Department of Insurance. Mr. Weatherman noted that the fire insurance districts do not necessarily coincide with the fire service districts.

Chairman Wagoner pointed out that the white area on each map is outside the coverage area. Mr. Weatherman confirmed that the maps are designed to minimize the uncovered areas. Ms. Boone added that the uncovered area incorporates 116 parcels. Of the 116 parcels, 99 were excluded on the original map. A total of 65 structures were excluded; 37 of which were excluded on the original map; leaving only 28 new structures. These structures include barns, chicken houses, and abandoned dwellings. In contrast, 74 previously excluded

parcels and 47 previously excluded structures are now included in the coverage area.

As a side note, Mr. Weatherman stated that the Department of Insurance was very impressed with the process that Ms. Boone used and actually visited Yadkin County prior to the map review.

Further, Mr. Weatherman reported that the white areas on each map still receive fire protection but do not qualify for the special fire insurance rating. The establishment of sub-stations in some areas would allow the incorporation of the entire County and eliminate those uncovered areas.

Chairman Wagoner asked how uncovered areas in Yadkin County compare to surrounding counties. Mr. Weatherman noted that the size of the County and the number of stations and sub-stations affect the insurance districts. Yadkin County has a minimal amount of uncovered areas compared to surrounding counties.

For those citizens that say “I don’t get anything for my tax dollars, “ Chairman Wagoner noted that salaries of Eddie Weatherman and Rachel Boone are paid with County tax dollars. Receiving a reduced insurance premium due to fire rating is, in essence, the result of a County service. Chairman Wagoner acknowledged the hard work of Mr. Weatherman and Ms. Boone and noted his appreciation for both.

Yadkin Ripple reporter, Leann Cloudman, asked how the public will be notified of the new fire insurance districts. Mr. Weatherman explained that the Department of Insurance will notify insurance companies. Insurance companies will then notify individual policy holders. Mr. Weatherman noted that this process will take a minimum of 90 days.

**Commissioner Moxley made a motion to adopt the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS APPROVING INSURANCE DISTRICT BOUNDARIES. Commissioner Garner second.**  
**Vote: 5/0**

(5) Adoption of Fraud Policy

Interim Manager Haynes reported that this policy has been recommended by the independent auditors, The Daniel Professional Group. The County has no policy in place at this time. The suggested policy is general in nature but allows for creation of individual procedures. Staff training will be required in order to implement the policy.

**Commissioner Wooten made a motion to approve the Administrative Fraud Policy of Yadkin County as presented. Commissioner Garner second.**

**Vote: 5/0**

(6) Adoption of ID Theft Prevention Policy

Interim Manager Haynes noted that this policy was also recommended by the auditors and will require staff training.

**Commissioner Wooten made a motion to approve the Identity Theft Prevention Program of Yadkin County as presented. Commissioner Moxley second.**

**Vote: 5/0**

(7) Interlocal Agreement with Town of Yadkinville – Hoots Road

Vice Chairman Austin asked to be excused from the vote as he is not allowed to participate in board action that could affect his property.

**Commissioner Garner made a motion to excuse Kevin Austin from the vote, due to conflict of interest, on the issue of the interlocal agreement with the Town of Yadkinville for water and sewer service at Hoots Road.**

**Commissioner Moxley second.**

**Vote: 4/0**

Interim Manager Haynes introduced the interlocal agreement with the Town of Yadkinville. Mr. Haynes stated that the agreement, if approved by both Boards, will lay the groundwork for water and sewer services at the Hoots Road jail site. All of those present at the last utility meeting recommended this

agreement. Mr. Haynes noted that there was a question concerning the need for review by Adams and Heath Engineering, similar to the review of the Highway 21 waterline issues.

Considering the ongoing issues with the Highway 21 waterline, Commissioner Wooten feels that a review by a 3<sup>rd</sup> party engineer is warranted and may eliminate similar mistakes. Further, Commissioner Wooten stated that the Chairman had asked that this issue be brought before the Board and Commissioner Wooten feels that this interlocal agreement is simply an update, but not ready for implementation. In addition, Commissioner Wooten stated that the agreement has not been reviewed by the County attorney. Commissioner Wooten feels the County attorney should review the agreement and it should be brought back for action at the next regular meeting.

Attorney Graham reported that he had received a copy of the agreement from Mr. Haynes in the week prior. Attorney Graham stated he had no concerns with the agreement.

As the agreement has been brought forth by the utility committee and has been reviewed by the County Attorney, Chairman Wagoner stated he had no problem in approving the agreement at today's meeting. Commissioner Wooten continued that an evaluation is needed to eliminate any potential problems. Commissioner Garner noted that the agreement contains a clause allowing either party to terminate the agreement.

**Commissioner Garner made a motion to approve the INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF YADKIN AND THE TOWN OF YADKINVILLE regarding water and sewer service to the Hoots Road site. Commissioner Moxley second.**

**Vote: 4/0**

Commissioner Wooten noted that he and the Yadkinville Town Manager agree that an engineering evaluation should be done.

## **CALENDAR NOTES**

Chairman Wagoner acknowledged the upcoming events and County holiday closings. Chairman Wagoner specifically noted the Red Cross Blood Drive on Wednesday, December 23, 2009 from 2:30 to 7:30pm.

*Chairman Wagoner called for a recess at 8:20pm. Meeting resumed at 8:43pm.*

## **MANAGER REPORTS/COMMENTS**

- (1) Interim Manager Haynes discussed the recent inclement weather event. Mr. Haynes noted that due to the rare occurrence of such an event in Yadkin County, there is not a procedure in place for the clearing of parking lots, driveways, and sidewalks. Mr. Haynes is now working with Solid Waste, EMS, and Public Buildings to develop a master list of County buildings that require such attention and a potential contractor for the work. The contractor will work only on an as-needed basis.
- (2) Interim Manager Haynes reported that an evaluation of the courthouse roof had recently been completed. Core sampling revealed that the cement materials underneath the top layer are saturated with water. Removal of all the old, saturated material; placement of new material; and a 15 year warranty is estimated at \$140,000. No action is needed at today's meeting, but Mr. Haynes would like the Board to further consider this issue.
- (3) Interim Manager Haynes reported that on December 2, 2009, the Yadkin County Board of Commissioners created a position of Deputy Manager. Mr. Haynes was able to negotiate an agreement with Mr. Aaron Church for the position. Mr. Church has spent 2 to 3 years in Burke County; has served as an aide to Virginia Foxx; and served as a consultant to the State office of the Employment Security Commission. Mr. Church will officially begin employment on January 1, 2010 making January 4, 2010 his first working day. Mr. Haynes reported that he will remain in Yadkin County as the Interim Manager through June 30, 2010.

## COMMISSIONER COMMENTS

Commissioner Wooten had these additional comments:

- (1) Commissioner Wooten wished everyone a Merry Christmas and all that goes along with the holidays.
- (2) Commissioner Wooten noted the recent incident with a pit bull in the Jonesville area stating that 6 individuals were injured. Commissioner Wooten asked the Board to consider what can be done about dangerous and vicious animals.

Commissioner Moxley wished everyone a Merry Christmas and thanked everyone for coming out for today's meeting.

Commissioner Garner had these additional comments:

- (1) Commissioner Garner reported that a particular piece of property in downtown Yadkinville is for sale. This property had been discussed some time ago as a potential parking lot. A price was not discussed but if the Board is interested, Attorney Graham could make the contact.
- (2) Commissioner Garner wished everyone a Merry Christmas and stated his hope that 2010 would be as good to everyone as 2009.

Vice Chairman Austin had these additional comments:

Vice Chairman Austin wished to explain his earlier concerns regarding the joke that appears in the minutes of December 7, 2009. Vice Chairman Austin stated that he had no problem with the joke or who told it. Vice Chairman Austin finds it a little offensive and suspects that others may find it offensive and does not believe it should be included in the minutes. Particularly, Vice Chairman Austin was most concerned with the sentence, "Of course, the elderly man drowned in the flood." Vice Chairman Austin also noted the word GOD appeared in all capital letters throughout the paragraph. Vice Chairman Austin noted, as in today's meeting, that there are certain words or phrases that should not be included in the minutes. Vice Chairman Austin feels that

the minutes are the occurrences of the Board and should be presented as professionally as possible.

Chairman Wagoner wished everyone a Merry Christmas and a Happy New Year. Chairman Wagoner noted that the evening meeting of January would be held on Tuesday, January 19, 2010 due to the Martin Luther King, Jr. Holiday.

Attorney Graham had no additional items for discussion.

**Commissioner Wooten made a motion to adjourn. Commissioner Moxley second.**

**Vote: 5/0**

Meeting adjourned at 9:03pm.

---

Prepared by Clerk to the Board

---

Date Approved by the Yadkin County  
Board of Commissioners